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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/071,234      | 02/11/2002  | Joshua O. Mullen     | 061270-0707         | 9253             |

22428 7590 01/18/2005

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

BARFIELD, ANTHONY DERRELL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3636

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,234

Applicant(s)

MULLEN ET AL.

Examiner

Anthony D Barfield

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26, 28, 29, 31-65 and 67-69 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 48-65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28, 29, 31-42, 46, 47 and 67-69 is/are allowed.
- 6) ☒ Claim(s) 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 1/4/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Anthony et

al. Applicant is reminded that the method of forming an article, i.e., molded, is not given patentable weight in an article claim. Consequently, Anthony et al shows the use of a connection member comprising a loop structure (103), which is a unitary part of a child seat (101). Anthony et al., further shows the use of a securing belt (102) with latches (55) at either end. The loop structure is formed by a bridge shaped portion of the connection member (see Fig. 10).

3. Claim 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Bataralis. Bataralis shows a connection member (86) including a first end unitarily formed with a seat body (Fig.9) and a second end formed with a snap connection (the pin/fastener) for permanent fixture into a child seat body. Bataralis further shows the use of a securing belt (24), which may have latches at either end thereof (see Figures 5-8 and col. 4 lines 33-36).

### Allowable Subject Matter

4. Claims 28-29, 31-42, 46-47 and 67-69 are allowed over the prior art made of record.

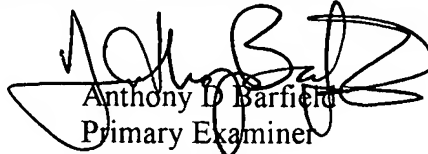
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***Response to Arguments***

Applicant's arguments filed 10/19/04 have been fully considered but they are not persuasive. In response to applicant's argument that, "*the anti-twist mechanism (103) of Anthony et al, is not a unitary part of the child seat*", the examiner is of the opinion that in fact upon assembly the anti-twist mechanism is a unitary part of the child seat as the all separate parts of the child seat do in fact form (one) unit when completely assembled. Furthermore in regards to applicant's argument that, "*strap 86 of Batalaris et al. does not have a first end unitarily formed with the child car seat; strap 86 appears connected at both its ends to the child car seat by fasteners*", the examiner again maintains the position that the strap has an end unitarily formed with the child seat upon assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
Anthony D Barfield  
Primary Examiner  
Art Unit 3636

adb  
January 07, 2004